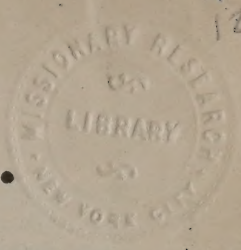


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Kenya



East Africa

EAST AFRICA.

PAPERS

RELATING TO

NATIVE DISTURBANCES

IN

KENYA.

(MARCH, 1922.)

Presented to Parliament by Command of His Majesty.
May, 1922.



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UNIVERSITY OF TORONTO

PARTS

NATIVE ORDINANCES

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EAST AFRICA.

PAPERS RELATING TO NATIVE DISTURBANCES IN
KENYA. [MARCH, 1922.]

No. 1.

The Governor to The Secretary of State.

(Received 13th May, 1922.)

GOVERNMENT HOUSE,

NAIROBI, KENYA.

27th March, 1922.

SIR,

I have the honour to report, as required by Section 7 of Ordinance* No. XVIII of 1909, that I have signed an order for the deportation to Kismayu of Harry Thuku, and to Lamu of Waiganju Ndotono, both natives of the Kikuyu tribe, for conduct to the danger of peace and good order.

2. I attach copies of correspondence with the Chief Native Commissioner, showing the grounds on which these orders of deportation have been issued.

3. As reported in my telegram† of the 16th instant, the arrest of Harry Thuku led to a riot in Nairobi. An enquiry into the circumstances is now proceeding and a full report will be sent to you in due course.

I have, &c.,

EDWARD NORTHEY,

Governor.

THE RIGHT HONOURABLE

WINSTON CHURCHILL, P.C., M.P.

ENCLOSURE IN No. 1.

[Extract.]

9th March, 1922.

YOUR EXCELLENCY,

I submit for Your Excellency's information copy of a letter addressed by Mr. Lamb (District Commissioner, Fort Hall) to the Senior Commissioner, Nyeri, relative to the activities of Harry Thuku. I also submit a translation of a private prayer, which has been issued presumably by Harry Thuku and his followers.

2. I consider this publication to be a very dangerous one. When the element of religion is introduced into native activities of this kind

* See Appendix.

† Not printed.

we are liable to get fanaticism, and that may lead to anything very suddenly. The whole tenor of the prayer is to stimulate enmity between Black and White, and to get the people to consider that they are in a state of slavery which has been imposed upon them by the Europeans. This I consider highly seditious.

G. V. MAXWELL,

Chief Native Commissioner.

SUB-ENCLOSURE 1.

AT KANDARA,

4th March, 1922.

THE SENIOR COMMISSIONER, NYERI.

With further reference to your decision to apply for the deportation of Harry Thuku I send you a translation of a letter signed by . . . and the . . . , together with a report of the meeting held at Weithaga by Harry Thuku on the 26th February. I will send you the sworn depositions in support of this report as early as possible.

"Mr. Gamble,*

"Please forgive me if I speak to you. Sir, you know that the war with Germany was started by two persons only, but how many thousands died because of it! We do not want this Harry Thuku to combine (Kushi kaana) with the Indians. He lives with the Indians in the office of their paper the 'East African Chronicle' at Nairobi. It is a very bad affair this abusing of Europeans, District Commissioners and Missionaries, and also the abusing of the Chiefs. We want Harry Thuku to be punished severely by Government. We want his punishment to be very great. Sir, why does he abuse the Europeans without reason and without any legal cause whatever?

"I am, your servant,

"(Sgd.)"

REPORT OF HARRY THUKU'S SPEECH.

1. I have come here to see you. The Europeans and the District Commissioners and Missionaries and the Chiefs have lied to you. They said I had been killed by Government. What can they do?

2. I, Harry Thuku, am greater than your Europeans. I am even greater than the Chiefs of this country.

3. How is it that I have left Nairobi without being arrested if it is not because I am a great man?

4. Hearken, neither the Chiefs nor the Europeans have given you the slightest assistance. I do not want them at all in this country of Kikuyu.

* Assistant District Commissioner at Fort Hall.

5. Tell all the Europeans that I am truly a snake. Do they wish to mix milk with blood? They increasingly cheat themselves. They have no manners at all.

6. I desire if the Europeans tell you to do any sort of work at all, that you tell them Harry Thuku has refused to allow you to make camps, or to make roads, or to work in the station or for the Public Works Department, or to give out food for porters or firewood.

7. Hearken, every day you pay hut tax to the Europeans of Government. Where is it sent? It is their task to steal the property of the Akikuyu.

8. Tell ye these words to the Europeans, District Commissioners and Missionaries and to the Chiefs.

9. Because the European Missionaries did not come here to preach the Word of God but of the devil only. I do not want them.

10. People, do not work at all for the Europeans, District Commissioners and Missionaries.

It seems clear that by this speech Harry Thuku has put himself in a position to be deported. I have come to the conclusion that I would be wrong to ask that his deportation should be delayed. He seems now to have assumed the attitude of a dictator, and a failure on our part to deport him will only be construed as weakness.

Mr. Gamble reports from Kangerna that the effect of Thuku's speech is that a large number of people believe that Harry Thuku is stronger than Government.

The Chiefs here are thoroughly upset and ask that immediate steps be taken to deport him.

F. M. LAMB,
District Commissioner.

SUB-ENCLOSURE 2.

TRANSLATION.

These prayers have been compiled for Christians and Non-Christians alike of the village of Kahuhia (also called?) in the name of Bwana Gideon Henry Mugo . . .

Christians of all districts of Africa and Uganda also who have seen that he is clean (upright), we want urgently to remind you to pray for Bwana Harry Thuku, our leader, and the elders, that, with him, they may make us go in the right path at all times and to give thanks for us every hour, that there may not be others amongst us who are his enemies; he and his elders let them come to no harm with any words whatsoever either now or hereafter, because he and his elders have been set apart by our God to be our guides in our present condition of slavery which we knew not (were without) before the Europeans came into this our country of East Africa. Also remember how that our God who brought the Children of Israel out of the house of bondage of King

Pharaoh (Kukusafiri walla hastasafiri tungali hae hatta sasa Very doubtful. May mean "to cause you to travel or not travel according to his arrangement even now.")

And to Him let us pray again, for He is our God. Also let us have faith, since in the eyes of our God there is no distinction of white or black. All are the sons of Adam and alike before Him, Jehovah, our living God. Also remember how that Goliath was unable to hurt David when David was a child and not yet full-grown. Nor could Saul hurt David for David was chosen by Jehovah, our God. Also remember how that the Europeans and ourselves are not ashamed to pray for our King George, and in the same way do not be ashamed to pray for our guide and his supporters. Read in these Books, which are mentioned here below, Chapters and Verses :—

Ephesians, 6, 18-19.

Philippians, 4, 6-7.

Colossians, 4, 2-3.

James, 5, 16-17.

Ephesians, 5, 17-18.

These prayers are to call down blessings on guide and his supporters.

"Thou, Lord Jehovah, our God, it is Thou Who hast set apart to be our Master and Guide, Harry Thuku ; may he be chief of us all. Guard him from all evil and bad works. Also guard the elders who are under him both now and hereafter in the Name of Jesus Christ Our Lord. Amen."

No. 2.

The Governor to the Secretary of State.

(Received 13th May, 1922.)

GOVERNMENT HOUSE,

NAIROBI, KENYA.

11th April, 1922.

SIR,

I have the honour to refer to my telegram* of the 16th of March, and my despatch† of the 27th of March, regarding the native riot following on the arrest of Harry Thuku, and to convey for your information a brief summary of the events which led to this disturbance. I also enclose copies of the reports from the Commissioner of Police and the Officer Commanding Troops and the finding of the Resident Magistrate at the inquest upon the deaths which occurred as a result of this riot.

2. In sequel of the measure which I reported in my despatch under reference, Harry Thuku was arrested and brought to Nairobi on the 15th of March and was detained at the police lines, Nairobi, pending his deportation to Kismayu.

* Not printed.

† No. 1.

3. On the evening of this day a number of natives assembled at the police lines; the conduct of this crowd was orderly but they insisted on the release of Harry Thuku, and despite the endeavours of the Acting Commissioner of Police and the Resident Magistrate, Nairobi, the crowd would not disperse, many of them remaining there all night. The same evening a letter was delivered to the Governor's Deputy by certain Kikuyu enquiring as to the cause of arrest, and they were informed that they would be granted an interview on the following morning.

4. On the morning of the 16th the mob swelled to considerable numbers, and at 9.30 a.m. six of the ringleaders were invited to an interview with the Governor's Deputy, Chief Native Commissioner, Commissioner of Police and Senior Commissioner, Kikuyu Province; they were there informed that Harry Thuku, disregarding the invitation of the Chief Native Commissioner to discuss any grievances which the Kikuyu natives might have, had toured the Native Reserves holding meetings at which he had made seditious statements, and that the Government had ordered his arrest realising that his action might lead to native unrest and consequent injury. They were instructed to inform the crowd of these facts and that Harry Thuku would remain in Nairobi pending my return from the coast, and to make every endeavour to disperse the crowd. These instructions they undertook to carry out.

5. At 12.40 noon one of the leaders, a Mohamadan named Ali Tairara, returned to the Secretariat and stated that they could do nothing with the crowd, and while he was in the presence of the Governor's Deputy the firing was heard. The sequence of events at the scene of the riot is detailed in the Commissioner of Police's report.

6. It may be mentioned that an organised picketing of offices and private houses was carried out in order to persuade natives to leave employment and to join the crowd. Criminal proceedings have been undertaken against the chief instigators before the Resident Magistrate, Nairobi.

7. I am unable to express adequately in words my sorrow at the death of these unfortunate men and women, many of them led unwitting and even unwilling to a quarrel as to which they had no understanding or conviction. At the same time I have, after the closest examination of the facts, arrived at the firm opinion that the police had no option but to fire when they did: the mob was by then closely surrounding the corrugated iron police buildings which they could have torn down in a few moments, and it was not until it was in the act of the rush forward, with a European Police Officer already on the ground and stones flying, that a shot was fired. The repeated warnings and orders to disperse, not only of Government Officers but also of their own leaders, had been disregarded, and the excitations of agitators and the taunts of the women had by then roused the ugliest passions. I cannot leave the subject without bestowing a meed of praise upon the patience, discipline and fortitude of the European and Native Police who had for 18 hours continuously remained at duty without a sign of resentment

or provocation, and it is to be noted that so well were these men under control that firing ceased immediately the bugle could be sounded. Further, I am of the opinion that had the police taken the initiative by a baton charge, it is probable that in the end a greater tale of casualties would have been forthcoming. The attempt to disperse the mob through their own leaders was undoubtedly the wisest and most humane method, though it was unhappily frustrated by the inflammatory speeches of irresponsible natives and jeers of the women, who, as always with African troubles, prevented a peaceful termination of the episode.

8. By next morning everything was again normal and has so continued—further proof, if any is needed, that the large majority of the crowd attended out of curiosity or owing to compulsion, and not from any conviction of grievance or other deeper-seated sentiment.

9. I happened to be away on duty at Mombasa when these occurrences took place. I am of opinion that Sir Charles Bowring, acting as my Deputy in Nairobi, acted with tact and good judgment in a difficult situation; sending for the leaders of the crowd, he did all in his power to effect dispersal without bloodshed; that the fracas did occur was not due to any lack of initiative or foresight on his part.

I have the honour to be,

Sir,

Your humble obedient servant,

EDWARD NORTHEY,

Governor.

THE RIGHT HONOURABLE

WINSTON CHURCHILL, P.C., M.P.

ENCLOSURE 1 IN No. 2.

OFFICE OF THE COMMISSIONER OF POLICE,

P.O. Box No. 135, NAIROBI.

16th March, 1922.

THE HONOURABLE

THE COLONIAL SECRETARY,

NAIROBI.

I regret to have to report a serious disturbance which took place at the police barracks to-day. The facts are as follows:—

Political prisoner, Harry Thuku, was arrested on the evening of the 14th inst., and placed in the police quarter guard on the instructions of the Honourables the Chief Native Commissioner and the Attorney-General, although I recommended that the jail was the proper place to put him in.

During the day of the 15th large meetings were held behind the Metropole Hotel by Kikuyu. I had three men amongst the crowd to listen to what they had to say. At about 12 noon on that day information was brought to me that the meeting had decided to collect money for Thuku's defence ; during the afternoon two firms of solicitors rang me up asking what offence Thuku was charged with. I told the representatives of both the firms that he was arrested under the Removal of Natives Ordinance, 1909, but gave no further information. It appears that Thuku's agents found that the solicitors were unable to take up their case, so they held another meeting—this must have been at about 5 p.m. At this meeting it was first decided that a general strike should be called by all Kikuyu ; I received this information at 5.30 through the telephone. At 6.15 when I was at Mr. Northcote's bungalow I received a telephone message that a large crowd of Wakikuyu were making for the police lines and had decided to release Harry Thuku ; I immediately proceeded to the police lines and ordered all men to stand to. At about 6.30 about 1,000 Kikuyu appeared in front of the police lines where Thuku was imprisoned ; I walked into the crowd and told them to sit down, which they did ; I asked what they had come for, and they informed me that they wished Harry Thuku handed over to them and that they would remain there until he was ; I told them that Harry Thuku had been arrested on the orders of the Governor, and advised them to disperse. I should say I talked to the crowd for nearly half an hour. I instructed Mr. Lumley, Acting Assistant Commissioner of Police, to send for the Magistrate, Mr. Doorly, who arrived about 15 minutes after he had been called ; on his arrival he addressed the mob, calling upon them to disperse, this they absolutely refused to do, and sat on the side of the road and maintained a sullen silence ; there was also a large gathering of Kikuyu at the back gate of the police lines—about 400—some of whom had already entered the lines ; these were also addressed by the Magistrate, but refused to move ; later they went out to the vacant piece of ground at the back of the lines and sat down. At this time I consider there were some 2,000 to 2,500 natives round the police lines—it was quite dark. I remained at the police lines until 8.30, when I went and reported the situation to the Assistant Colonial Secretary. At 9 p.m. I reported the situation to the Colonial Secretary, and told him what steps I had taken to keep the crowd within bounds, and requested him to have a certain number of K.A.R. ready if required. I then returned to the police lines, this was at about a quarter to ten ; I found that a considerable number of the crowd had dispersed, there being, I should say, approximately some 800 persons remaining. I stayed at the lines until 12 midnight ; when I left Captain Cary with Mr. Sempill was in charge of the police ; no disturbance occurred during the night, but a crowd of several hundreds remained outside the lines.

At 8 a.m. this morning I called on the Resident Magistrate, Mr. Doorly, and asked him to come down to the lines as I intended to disperse the crowd and would require his order to do so ; on my arrival at the lines I made arrangements for a baton charge with a reserve of

armed police ; all arrangements were complete by 9, the Resident Magistrate was prepared to call on the crowd to disperse ; at this time I consider there were from 3,000 to 4,000 natives (Kikuyu) round the lines. I consider that I would have been able to disperse the crowd with the men at my disposal at that time, but I received a telephone message from the Colonial Secretary stating that he wished to see six of the leaders of the mob, and that no action was to be taken until he had seen these men. I called on the crowd to select six of their men which they did ; these I sent up to the Secretariat, and proceeded there myself, where they were interviewed by Sir Charles Bowering, who instructed them to inform the crowd to disperse, which they said they would do. I returned to the lines and found that the crowd had considerably increased, there being from 7,000 to 8,000 Kikuyu intermixed with a few Indians, and a large party of native women had arrived, probably 150. The deputation of leaders did not arrive back from the Secretariat until 12.15 p.m., an hour and a half after my return to the lines, although they could have been there within 25 minutes. In the interim, *i.e.*, between 9 a.m. and 12.15 p.m., the mob had been continually harangued by its leaders. The speeches were strongly seditious and inflammatory until the crowd, which was constantly increasing in numbers, became excited and almost beyond any control. When the deputation of six eventually arrived from the Secretariat two of the members went amongst the crowd and called upon them to disperse ; after some considerable talking there was a tendency on the part of the crowd to disperse, but the women present shouted to the men in aggravating tones which made them apparently change their mind, and they pressed up to the gates and corrugated iron walls round the lines ; the position then became ugly, the demeanour of the mob having entirely changed, although they continued to hold a white flag in front of them. I therefore telephoned to the Colonial Secretary, and informed him of the position, and stated that I considered that it was advisable that we should call upon the K.A.R. for assistance, to which I understood he agreed. I then telephoned to the Adjutant, K.A.R., and asked him to send 50 men down as soon as possible, and to send a further 100 to the Scotch Church to wait in reserve, if required. I telephoned to the Resident Magistrate, Mr. Doorly, asking him to come to the lines at once, which he did ; after consultation with Mr. Doorly we decided that we would not call upon the mob to disperse until the K.A.R. had arrived, as I thought it would be unsafe. Mr. Lumley, Acting Assistant Commissioner of Police, was in charge of the guarding of the lines and the entrances thereto and the posting of the police inside. I waited in front of the offices for the K.A.R. to arrive. At about five minutes to one I heard some persons shout and a shot fired, almost immediately the firing round the police lines became general. I blew my whistle to cease fire as the crowd had started to disperse in all directions ; the firing continued for about two minutes. Mr. Lumley instructed the bugler to sound cease fire. As soon as this sounded the firing ceased ; about five minutes later 50 K.A.R. arrived, and as I received information that the mob which had been dispersed were

attacking the beats in the town I asked the officer in charge to send two sections of 25 men each through the town, I also sent 25 of my own men to the railway station, where I heard there was a disturbance.

The incident leading to the first shot was, I am informed by Mr. Lumley, Acting Assistant Commissioner of Police, that a very truculent agitator was encouraging the mob to close in on the police; Capt. Cary, who was in command of the particular section at that corner of the lines, went to arrest this agitator who seized him by the shoulder, then he was surrounded by the mob, the white flag had previously been dashed to the ground, the mob were armed with stones which appear to have been thrown at the same time as the shot was fired; then followed rapid firing by about 40 askaris who were under Captain Cary's command. Mr. Lumley was behind the police in the gateway and ordered to sound cease fire as Captain Cary appeared to be overwhelmed by the mob, after which the firing ceased. On the first shot being fired practically all the men on the two sides of the lines where the mob was the thickest opened fire.

As far as I am aware 16 men and 2 women have been killed, and 22 men and 9 women have been wounded.

The medical officers with ambulances and stretchers were called upon to attend to the wounded and remove the dead.

I have given instructions that the ringleaders of the mob be arrested.

The total police engaged was 140 rank and file, 6 officers and 10 European constables.

I am informed that a few shots were fired by the K.A.R. at the mob which was dispersing, as they neared the scene.

J. C. BENTLEY,

Acting Commissioner, Kenya Police.

ENCLOSURE 2 IN No. 2.

DEFENCE HEADQUARTERS,

MILITARY SIDING,

NAIROBI, KENYA COLONY.

March 24th, 1922.

THE HONOURABLE, COLONIAL SECRETARY, NAIROBI.

Attached report No. 56/1, dated 23rd March, 1922, by the Officer Commanding, 3rd K.A. Rifles, on action taken by troops on March 16th and 17th in connection with native riot, is forwarded for information.

J. CORBET WARD, *Major,*
for Colonel,

Officer Commanding Troops, Kenya Colony.

3RD KING'S AFRICAN RIFLES,
NAIROBI,

23rd March, 1922.

TO THE HONOURABLE, THE OFFICER COMMANDING TROOPS,
COLONY AND PROTECTORATE OF KENYA, NAIROBI.

With reference to the civil disturbance in the town on the 16th instant, I beg to report that on the night of the 15th instant, at the request of the Commissioner of Police, I ordered 50 rifles with one Lewis gun to be kept in readiness to proceed to the police station at a moment's notice.

At 12.20 hours on the 16th, the Commissioner of Police telephoned for the above detachment to be sent as early as possible to police headquarters. This request was complied with.

At 12.35 hours the Commissioner of Police asked for an additional 100 men to be kept in reserve on the Caledonian Football Ground. In compliance with this request 100 men with a Lewis gun and 1 Vickers gun under the command of Major Durham were despatched at 13.00 hours.

Major Latham was sent in command of the whole party.
I enclose Major Latham's report on the events that followed.

T. O. FITZGERALD,
Lieut.-Colonel,
Commanding 3rd King's African Rifles.

NAIROBI,

16th March, 1922.

TO THE ADJUTANT,
3RD KING'S AFRICAN RIFLES.

Herewith I forward report on the action taken by me yesterday and last night, for the information of the Commanding Officer. As far as I know, and certainly no orders were issued by me to that effect, no firing was done by the troops. In fact no firing of any sort took place after the first burst of fire from the police at 12.53 hours on 16/3/22. Although a report was received from the Electric Light Power Station at Nairobi about 23.59 hours on 16/3/22 that a single shot had been heard, no information or confirmation about this could be ascertained.

J. LATHAM, *Major,*
3rd King's African Rifles.

DIARY OF EVENTS DURING CIVIL DISTURBANCE,
MARCH 14/15, 1922.

THURSDAY, 16TH MARCH.

12.35 hours.—50 rifles with one Lewis gun under Captain Gateley and Lieut. Earnshaw left to reinforce police.

13.00 hours.—100 rifles with two Lewis guns under Major Durham, D.S.O., left to reinforce police.

13.01 hours.—Left with Vickers gun mounted in car with Lieut. Gethin and two African ranks manning gun and two belts of S.A.A. ball and proceeded by way of 6th Avenue and Government Road to police headquarters. On arrival there it was found that the crowd had dispersed from the immediate vicinity. Numbers of personal boys, &c., had been observed making towards the Hill. Proceeded to railway station to endeavour to gain touch with Captain Gateley, and *en route* established contact with a patrol line working towards the railway station with the object of keeping all loiterers on the move. Proceeded with this patrol till it had cleared the immediate precincts of the township. This patrol appeared to be encountering no opposition, all Africans running away either on the approach of the car or the patrol, and it appeared that a considerable number were making in the direction of Pangani village.

13.45 hours.—Returned to police headquarters, where found that Major Durham, D.S.O., with his force was proceeding to Pangani village. Countermanded this and, with the concurrence of the Commissioner of Police, issued following orders :—

Captain Brereton and 25 rifles with one Lewis gun to proceed to Pangani village, clearing vicinity if people congregating. Major Durham, D.S.O., with remainder of force to remain at police headquarters and co-operate with Commissioner of Police as requisite. In addition he to send 10 rifles to Government House to reinforce the Guard there.

Proceeded with Vickers gun in car with Assistant Superintendent Semphill in another car to Pangani village. A clearing patrol from Captain Gateley's force was encountered working from the direction of Swamp Road towards Pangani. On the appearance of the car with Vickers gun natives scattered through Pangani and Momba villages towards the Fort Hall Road and through the Muthaiga forest.

14.10 hours.—Proceeded in company with police car to telephone at Muthaiga Club and reported situation to Officer Commanding 3rd K.A.R. and the Commissioner of Police, who both approved action suggested, viz :—

Captain Brereton to push a line of patrol through the Muthaiga Forest and establish an observation post beyond the Muthaiga Estate in the vicinity of the Kiambu Road. Captain Brereton to make the telephone at Muthaiga Club his headquarters. Parklands police station to send a patrol through Parklands to gain touch with Captain Brereton's patrol.

14.45 hours.—Orders issued to Captain Brereton as above at Pangani village. Proceeded to police headquarters and again reported to Officer Commanding 3rd K.A.R. and Commissioner of Police.

Following dispositions then put in force :—

Captain Brereton, 25 rifles and 1 Lewis gun, to remain as already ordered.

Lieut. Gethin and 25 rifles to proceed to Parklands police station.

Captain Gateley and 50 rifles with one Lewis gun to remain at police headquarters and co-operate with the town police as requisite.

Lieut. Sim and 50 rifles with one Lewis gun to return to headquarters, 3rd K.A.R.

The Muthaiga and Parklands detachments to keep moving patrols over their areas. All patrols to be as far as possible accompanied by either European constables where possible, and failing that, by Native constables. Immediate report to be made to police headquarters of any unusual occurrences.

A European police constable was despatched to report to Captain Brereton.

These dispositions to remain in force pending further instruction till 21.00 hours.

16.20 hours.—Got into communication by telephone with Officer Commanding troops who directed that the dispositions already made were to remain in force all night.

Informed Officer Commanding 3rd K.A.R., who issued orders for rationing, &c., and relief of officers.

17.30 hours.—Proceeded round posts with Officer Commanding 3rd K.A.R., Adjutant, 3rd K.A.R., and one officer relief for Captain Brereton by car. (Vickers gun had been dismounted from car at 16.00 hours).

22.00 hours.—All posts ordered to keep up constant patrols.

22.20 hours.—Returned to police headquarters to remain for the night.

23.00 hours.—Left with Assistant Superintendent Hicks in car to patrol and inspect all patrols and posts, which found in order and reported all quiet.

23.45 hours.—Returned, all quiet.

17TH MARCH, 1922.

00.30 hours.—Assistant Superintendent Semphill and Lieut. Earnshaw left to patrol and inspect all posts and also proceeded some distance down Fort Hall Road.

02.30 hours.—Returned, reported all quiet.

06.45 hours.—Left by car with Assistant Superintendent Hicks to patrol and inspect all posts and patrols, who reported all correct and quiet.

08.10 hours.—After consultation between Officer Commanding 3rd K.A.R. and Commissioner of Police, who had arrived at police headquarters, all troops ordered to withdraw.

08.15 hours.—Orders issued and troops commenced withdrawal.

08.45 hours.—Lieut. Earnshaw with 50 rifles and one Lewis gun from Police headquarters reported at K.A.R. headquarters.

09.50 hours.—Lieut. Sim and 25 rifles with one Lewis gun from Muthaiga reported at headquarters, 3rd K.A.R.

11.30 hours.—Lieut. Gethin with 25 rifles from Parklands reported at 3rd K.A.R. headquarters having been delayed by collecting distant patrols.

Report received from Assistant Superintendent Semphill that a car with 3 or 4 Indians and 3 rifles had been seen proceeding towards Thika along the Fort Hall Road, and that there was a current rumour that the rioters intended returning to the police station at 02.00 hours 16th.

J. LATHAM, *Major,*

3rd King's African Rifles.

NAIROBI, 17th March, 1922. 13.00 hours.

ENCLOSURE 3 IN No. 2.

IN THE RESIDENT MAGISTRATE'S COURT AT NAIROBI

CRIMINAL CASE No. 4 OF 1922.

INQUEST INTO THE DEATH OF 21 NATIVES KILLED ON
16th MARCH, 1922.

Finding :—

This inquest is held to find the cause of the deaths of 1 Macharia wa Kibon, 2 Njeri wa Ewongo, 3 Mwanyika wa Kayaki, 4 Njeri binti Kamau, 5 Karanji wa Kamau, 6 Wachira wa Kibira, 7 Wachira wa Ngango, 8 Getchi wa Mgarati, 9 Mjana wa Ngango, 10 Kiaso wa Wanjaro, 11 Dinah, 12 Kachara wa Cheggi, 13 Wamatu wa Gwando, 14 Nyaga wa Muchoki, 15 Njerogi wa Kitcheski, 16 Karioki Mtmogo wa Kuguya, 17 a male about 15 years old unidentified, 18 Thua wa Ndei, 19 Wacharia wa Kambu, 20 Gatua wa Karanja and 21 Miriam binti Gitura, and, as Coroner, I am also under a duty to the public, to inquire into matters further than the mere cause of death.

Preliminary to going into the facts it may be well to mention that by The Removal of Natives Ordinance, 1909, "Where it is shewn by evidence on oath to the satisfaction of the Governor, that any native is conducting himself so as to be dangerous to peace and good order in any part of the Colony, or is endeavouring to excite enmity between the people of the Colony and His Majesty or is intriguing against His Majesty's power and authority in the Colony, the Governor may, if he thinks fit, by order under his hand and Official Seal, order that native to be deported from any part of the Colony to any other part of the Colony."

Under and by virtue of this Ordinance, His Excellency the Governor made an Order under his hand and Official Seal directing that one Harry Thuku, a Kikuyu native, be deported from Nairobi to Kismayu, and in pursuance of this Order, the Acting Commissioner of Police on the 14th March, 1922, arrested the said Harry Thuku and confined him in the quarter guard of the police lines, Nairobi, preparatory to his being deported as directed by the Order of His Excellency the Governor.

On the day following this arrest the evidence shews there were two meetings of Kikuyu natives held behind the Metropole Hotel, the latter of which began at 5 o'clock p.m., and, at 6.15 p.m., the Acting Commissioner of Police says he received a message informing him that the members of this meeting were moving towards the police lines, and on receipt of this message he immediately proceeded to the lines. On his arrival there he at once ordered the police to "stand to." The crowd had not then arrived, but 5 minutes later a large crowd of natives arrived at the main gate of the Government Road entrance to the police lines, and another large crowd of natives appeared at the South Gate entrance to lines. At 6.45 p.m. the Acting Commissioner of Police went out of the lines and amongst the crowd at Government Road Gate and asked them why they had come there, and the reply was that they had come for Harry Thuku, and asked the Commissioner to release him, which he refused to do, and informed them that Harry Thuku had been arrested by order of His Excellency the Governor, and he also informed them that they had come there for an unlawful purpose.

At this time the Acting Commissioner sent for Mr. Doorly, Resident Magistrate, Nairobi, who on his arrival 15 minutes later addressed the crowd on the Government Road side in Swahili, and told them that Harry Thuku was not going to be released. He also commanded them to disperse, and informed them that the authorities had no desire to hurt them; but, if they failed to obey the command to disperse, force would have to be used. The result of this address was that a large number of the crowd went away quietly. The Resident Magistrate then went to the South side of the lines, where he found a number of natives actually sitting in the compound of the lines. He spoke to them, and after they had sent a messenger to the Government Road side and found that the crowd there were moving off, they went out of the lines and sat down a few yards outside the South Gate. This occurred at 8.15 p.m., and according to the evidence the Government Road crowd had thinned so considerably that the road was clear for traffic and the crowd in all surrounding the lines amounted to 500 or 600 only, whereas earlier in the evening it numbered 2,000.

It was decided at 10 o'clock p.m. by the Acting Commissioner of Police and the Resident Magistrate to leave the crowd there, as they were perfectly quiet and orderly, and in the hope that they would get tired and go away.

Notwithstanding the fact that this assembly might be considered unlawful in its inception, and was unlawful after being commanded by the Resident Magistrate to disperse, I consider the decision of the Acting Commissioner of Police and the Resident Magistrate a wise one, having regard to the fact that the members of the assembly were extremely

quiet, and the probabilities were they would tire of their vigil, and that a baton charge in the dark would have been a far from satisfactory proceeding.

It appears from the evidence that on the following morning, the 16th March, at 8 o'clock a.m., the Acting Commissioner of Police on arriving at the police lines found about 3,000 natives there, the most of whom were at the South Gate; that at 8.30 a.m. he consulted with the Resident Magistrate and they decided that the Resident Magistrate should address the crowd, order them to disperse, and inform them that, if they did not disperse, the police would make a baton charge and arrest any who resisted. The Acting Commissioner of Police states he intended to order a baton charge in the event of the crowd failing to comply with the order to disperse, and he further says he was on the point of asking the Resident Magistrate to give the order when he received a communication from Sir Charles Bowring, Governor's Deputy, who told him to send six of the leaders of the crowd to the Secretariat for an interview with the Governor's Deputy before active measures were taken for dispersal.

The crowd selected six of their leaders who went to see the Governor's Deputy and were accompanied by the Acting Commissioner of Police. The interview took place and the result of it was, that the six leaders promised the Governor's Deputy to make efforts to disperse the crowd.

The Acting Commissioner of Police arrived back at the lines from this interview about 10.45 a.m., and found the crowd had considerably increased and that the members of it had changed and become quite hostile. This change of attitude is attributed to the fact that certain natives were making inflammatory and seditious speeches to them, and at this time the crowd was increasing in numbers quickly by the arrival of natives from all directions to join it. But there was at this period a clear space of 25 yards between the crowd and the corrugated iron fence at the South Gate.

About 12.15 p.m. the members of the deputation were seen by the Acting Commissioner of Police about 100 yards distant from the South Gate, and he went to them and brought them to the clear space between the crowd and the fence at South Gate. After the Commissioner spoke to them three of the deputation addressed the crowd and called on them to disperse; in response to this address a large number of the crowd stood up and looked as if they were going to move off, when, unfortunately, some women who had been in the crowd all the morning called the men who were going to move off "cowards" and other names, which had apparently the effect of enraging them. The result of these remarks by the women was that the crowd surged immediately up to the fence at the South Gate where there were 40 askaris (native police) standing "at ease"; these askaris were then ordered by Captain Carey, Superintendent of Police, to bring their rifles to the "engage" position, and Captain Lumley, Acting Assistant Commissioner of Police, immediately put 20 men at the danger point on boxes, so that they could see over the corrugated iron fence, and he issued to the men 20 more rounds of ammunition.

The Acting Commissioner of Police at this juncture came to the conclusion that the situation was critical, and he telephoned to the Adjutant of the King's African Rifles to send 50 men as soon as possible to the police lines and 100 to the Scotch Church where they might remain in reserve. He also telephoned to the Courts for the Resident Magistrate, who came immediately, and it was then decided that, on the arrival of the King's African Rifles to the lines, the Magistrate should command the crowd to disperse and inform them that in the event of disobedience to the order a baton charge would be made.

In the interval of waiting for the King's African Rifles the crowd were within three feet of the points of the bayonets at the South Gate, and were excited. In this crowd there was a particularly aggressive agitator addressing them and inflaming them. He tore down the white flag which was being held in front of the South Gate, and which had been held in the crowd since the previous night. He passed in front of Captain Carey, who was in command of the men at this position, and continued to excite and stir up the crowd. Captain Carey took hold of this person and threw him amongst his men, but in doing so Captain Carey fell, and as he fell the crowd shouted, threw stones, and rushed towards the corrugated iron fence at the South Gate, and on this onrush by the crowd a rifle went off, and it was followed immediately by a fusillade by the askaris guarding the gate into the oncoming crowd, and the firing was taken up by the askaris at Government Road side. This firing by the askaris lasted between one and two minutes.

Dr. Guinness, Medical Officer of Health, in his evidence states he went to the police lines immediately after the firing had ceased, and that he found 16 dead bodies lying at the police lines, and that he got them taken on stretchers to the mortuary, where he examined the wounds they had received, and subsequently five other dead bodies were brought from the Native Hospital and were examined by him. He has given the names of the deceased in his evidence except one, which is unidentified, and it is on these 21 deceased named that this inquest is held.

I find on the evidence of Dr. Guinness that the cause of the death of Wacharia wa Kibon and the 20 other above-named natives, was shock and hæmorrhage caused by wounds from bullets fired by the askaris at the police lines on the 16th March, 1922, about 12.55 p.m., the deceased then being members of an unlawful assembly.

Having found the cause of death, the next to be considered is whether the firing which caused these deaths was justified or not. As to this I have the evidence of the Rev. Mr. Wright, who was in the crowd at the police lines on the 16th March from 9.30 a.m. till the time of firing, and he says that the crowd were determined not to disperse; he further says that the police behaved with extreme patience throughout a very trying time and the askaris did not fire on the crowd until it was absolutely necessary.

Mr. Rosenthal, another disinterested witness, who also was at the police lines from 9.30 a.m. on 16th March till the time of firing, states

that immediately prior to the firing the crowd were waving sticks in the air, and were close up to the corrugated iron fence at the South Gate, which fence, he says, would have been brushed aside by the weight of the crowd, and he further says that nothing but firing would have stopped the crowd from rushing the police line.

Mr. Lazarus, another witness, says he was with Mr. Rosenthal from 9.30 a.m. on 16th March till the time the askaris fired, and he corroborates Mr. Rosenthal's evidence in every detail. There is also evidence before me that on this morning of 16th March the crowd stopped a motor car on Government Road and shook their fists at the occupants of the car, that they were throwing pieces of rock and other missiles at the police, and that their rush on the Government Road Gate of the lines was so determined that one of the crowd actually got through the gate.

On the evidence just recited I am convinced that this crowd was hostile, dangerous, and determined, and I have no hesitation whatever in finding that the askaris were justified in firing, and had they not done so the police lines would in all probability have been rushed and entered and the prisoner set free, when a situation of grave peril might have arisen.

What might seem rather remarkable is that there is no evidence given that the askaris were ordered to fire on the crowd by their officers; but when it is considered that the askaris were on duty for practically 18 hours continuously, that they were subjected to the taunts and jeers of the crowd the entire morning, and that the officer in charge of them was on the ground at the time the first shot was fired in a scuffle with one of the most aggressive ringleaders, it appears to me their action is not to be wondered at or criticised. The askari who fired the first shot must have thought his chief officer was in danger, and I consider, in the circumstances, he was justified in firing.

Before closing I might say that the plan of the Acting Commissioner of Police and the Resident Magistrate, which they agreed on at 9 o'clock a.m. on 16th March, to order a baton charge on the crowd at that time does not appear to me to have been absolutely sure of success. I agree with the opinion expressed by the Resident Magistrate that such a charge would not have finally settled the matter, and if it had been unsuccessful the probabilities were the casualties would have been more numerous than the 21 which have occurred. As the crowd at 9 o'clock a.m. on the 16th was perfectly quiet the plan of sending six of the leaders as a deputation to the Governor's deputy appears to me to have been a well conceived one, in fact, I consider the wisdom of it is proved by the fact that the crowd had got up to move off after being addressed by the deputation, and I have no doubt would have done so had it not been for the unfortunate interference by the women of the crowd. I must say that all concerned in the handling of this very difficult situation are to be congratulated on their zeal and care, and, to my mind, they did everything in their power to avert serious trouble.

In conclusion I have only to remark that this incident is very regrettable ; the loss of human life always is, but if the authority of the Government is to be maintained the shooting by the askaris on the 16th March must be justified.

B. A. CREAN.

Read 28/3/22.

B. A. CREAN.

APPENDIX.

No. XVIII.

1909.

East Africa Protectorate.

IN THE NINTH YEAR OF THE REIGN OF

HIS MAJESTY KING EDWARD VII.

SIR EDOUARD PERCY CRANWILL GIROUARD, K.C.M.G., D.S.O., R.E.,

Governor.

**An Ordinance to make provision for the removal of Native Political Title.
Offenders from one part of the Protectorate to another.**

[December 11th, 1909.] Date.

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as “The Removal of Natives Ordinance, Short title. 1909.”

2. In this Ordinance the term “Protectorate” means the East Africa Protec- Definition.
torate.

3. Where it is shown by evidence on oath to the satisfaction of the Governor, Power to de-
that any native is conducting himself so as to be dangerous to peace and good port.
order in any part of the Protectorate, or is endeavouring to excite enmity between
the people of the Protectorate and His Majesty or is intriguing against His Majesty's
power and authority in the Protectorate, the Governor may, if he thinks fit, by
order under his hand and official seal, order that native to be deported from any
part of the Protectorate to any other part of the Protectorate.

4. An appeal shall not lie from an order of deportation made under this No appeal from
Ordinance. order of depor-
tation,
Penalty.

5. If any person deported under this Ordinance leaves the part of the Protec-
torate to which he has been deported, or returns to the part of the Protectorate
from which he has been deported, without the permission in writing of the Governor
he shall be deemed to be guilty of an offence, and liable, on conviction, to imprison-
ment for any period not exceeding three months, with or without a fine not ex-
ceeding 500 Rupees ; and he shall also be liable to be forthwith again deported.

6. The Governor, by order under his hand and official seal, may vary or rescind Power to vary
any order of deportation made under this Ordinance, or, without varying or or revoke order
rescinding the order of deportation, may grant permission in writing to the person or to grant per-
deported to leave for a temporary purpose the part of the Protectorate to which mission to per-
he has been deported for some other part named in such permission. Such per- son deported to
mission may be granted subject to such conditions as to the Governor may seem leave for tem-
proper and any person who shall fail to comply with the conditions attached to porary purpose,
any permission granted to him as aforesaid, shall be deemed to be guilty of an the part to
offence and liable, on conviction, to the penalties provided in the preceding which he is
section. deported.

7. The Governor shall forthwith report to the Secretary of State every order Governor to
made by him under this Ordinance, and the grounds thereof, and the proceedings report to
thereunder, and also every permission given by him under Section 5 of this Secretary of
Ordinance. State.

Person ordered to be deported may be detained in custody on the Governor's warrant pending deportation.

Governor's warrant sufficient authority for removal and detention.

Governor may direct how expenses shall be defrayed.

Repeal.

8. Where, under this Ordinance, a person is to be deported, he shall by warrant of the Governor under his hand and seal, be detained if necessary, in custody or in prison, until a fit opportunity for his deportation occurs.

9. The warrant of the Governor under his hand and seal shall be sufficient authority to the person to whom it is directed or delivered for execution to receive and detain the person therein prescribed, and to carry him to the place named, according to the warrant.

10. The expenses of deportation, including expenses of maintenance, shall be defrayed in such manner as the Governor directs.

11. "The Removal of Natives Ordinance 1908" is hereby repealed.

Passed in the Legislative Council the 3rd day of December in the year of Our Lord, one thousand nine hundred and nine.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

H. W. GRAY,

Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

R. M. COMBE,

Crown Advocate.

C. C. BOWRING,

Treasurer.

Assented to in His Majesty's name this 11th day of December, 1909.

E. P. C. GIROUARD,

Governor.

Printed under the Authority of HIS MAJESTY'S STATIONERY OFFICE.

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